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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,266	02/01/2000	Koji Ichikawa	1982-0142P	5977

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Birch Stewart Kolasch & Birch LLP
PO Box 747
Falls Church, VA 22040-0747

EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 02/13/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/496,266

Applicant(s)

ICHIKAWA, KOJI

Examiner

John M. Villecco

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9-11,13,16 and 18 is/are rejected.
- 7) ☒ Claim(s) 3,4,7,8,12,14,15,17,19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 depends upon claim 3, which includes the limitation of a rotating device for moving the charts into and out of the optical axis. It is believed that this claims reference to the embodiment shown in Figures 5 and 6. Claim 5 includes the limitation that the single color charts are selectively attached to the photographing lens. This would appear to show the claims in conflict with one another. Nowhere in the specification does the applicant disclose an embodiment which includes the rotating device and the selectively attachable color charts.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 2, 6, 9-11, 13, 16, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata et al. (U.S. Patent No. 5,119,178) in view of Sakai et al. (U.S. Patent No. 5,453,853).**

7. Regarding *claim 1*, Sakata discloses a method of manually correcting color in an imager. The system includes a color chart (14) located on the lens cap (11), a color bar signal generator (45), which would inherently store a plurality of color reproduction target values, and a set of potentiometers (62 and 63) and amplifiers (36 and 37) which act as the correction device and correct a color correction coefficient of image data obtained by photographing. See column 3, lines 25-49.

Sakata however fails to explicitly state that the color chart is a transmission type chart. Sakai, on the other hand, discloses that it is well known in the art to perform color correction using a transparent color chart. Color chart (4) is a transmissive type color chart. It allows light to pass through and impinge on the camera's (2) imager. In this manner, the light from a standard lighting apparatus (5) can be used for the color correction. To this effect, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the

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color chart of Sakata a transmissive-type color chart so that ambient light can be used in the color correction process. Furthermore, since the color chart is transmissive, the color correction would be based upon the light of an achromatic subject passing through the color chart.

8. As for *claim 2*, Sakata discloses the ability to switch to a manual correction mode using a switch (65, col. 2, line 60). After selecting the manual mode, the user then places the lens cap onto the lens, thereby imaging the color chart (14). In this case the user is interpreted to be the moving device since the user moves the chart out of and into the optical axis.

9. With regard to *claim 6*, Sakata discloses a lens (10) upon which the lens cap (11) rests. Figure 2 shows a notch (17) formed on the lens cap (11). It is well known in the art that notches and grooves are well known ways of aligning lens caps. It is obvious to one of ordinary skill in the art that this notch would be used to align the lens cap (11) on the lens (10).

10. Regarding *claim 9*, Sakata discloses a method of manually correcting color in an imager. The system includes a color chart (14) located on the lens cap (11) and a set of potentiometers (62 and 63) and amplifiers (36 and 37) which act as the correction device and correct a white balance of the image data obtained by photographing. See column 3, lines 25-49.

Sakata, however fails to explicitly state that the color chart is, a transmission type chart. Sakai, on the other hand, discloses that it is well known in the art to perform color correction using a transparent color chart. Color chart (4) is a transmissive type color chart. It allows light to pass through and impinge on the camera's (2) imager. In this manner, the light from a standard lighting apparatus (5) can be used for the color correction. To this effect, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the color chart of Sakata a transmissive-type color chart so that ambient light can be used in the

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color correction process. Furthermore, since the color chart is transmissive, the color correction would be based upon the light of an achromatic subject passing through the color chart.

11. As for *claim 10*, Sakata discloses a color bar signal generator (45), which would inherently store a plurality of color reproduction target values. Furthermore, Sakai discloses that the color chart (4) is a transmissive type color chart. It allows light to pass through and impinge on the camera's (2) imager. In this manner, the light from a standard lighting apparatus (5) can be used for the color correction. To this effect, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the color chart of Sakata a transmissive-type color chart so that ambient light can be used in the color correction process. Furthermore, since the color chart is transmissive, the color correction would be based upon the light of an achromatic subject passing through the color chart. Additionally, Sakai discloses that the apparatus varies the color correction values to produce a higher quality color image.

12. *Claim 11* is considered substantively equivalent to claim 2. Please see the discussion of claim 2 above.

13. *Claim 13* is considered substantively equivalent to claim 6. Please see the discussion of claim 6 above.

14. *Claim 16* is considered substantively equivalent to claim 2. Please see the discussion of claim 2 above.

15. *Claim 18* is considered substantively equivalent to claim 6. Please see the discussion of claim 6 above.

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Allowable Subject Matter

16. Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

17. Claims 3-4, 7, 8, 12, 14, 15, 17, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. The following is a statement of reasons for the indication of allowable subject matter:

Regarding *claim 3, 12, and 17*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest the chart is disc-shaped and each of the single-color chromatic and single-color achromatic color portions are selectively positioned in the optical axis.

As for *claim 7, 14, and 19*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the chart has both a chromatic and an achromatic color portion selectively positioned in an optical axis and further comprising an identification device for identifying the portion of the chart is positioned in the optical axis.

With regard to *claim 8, 15, and 20*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest a plurality of single color charts selectively attachable to the lens and an identification device for identifying the chart that is connected.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.


JMV
1/30/04


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
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